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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,402	01/09/2002	Yoshinobu Shiraiwa	00862.022488	2059

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EXAMINER

TRAN, HUAN HUU

ART UNIT PAPER NUMBER

2861

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5/2

Office Action Summary

Application No.

10/040,402

Applicant(s)

SHIRAIWA, YOSHINOBU

Examiner

Huan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,7 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION
Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 8, 9, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi (JP 2000-218887 cited in the IDS filed on 11/30/04).

As to claims 1, 4, 5 and 8, Nakabayashi appears to disclose the claimed printing control apparatus and method. Note application program 12h described in paragraphs [0036] to [0078] with reference to Figs. 15-34.

As to claim 10 Nakabayashi appears to disclose a printing medium comprising perforations (C1) in a position at which the dimension in the widthwise of said printing medium having a fixed width is equally divided, wherein

printing regions (S1a) of said printing medium divided by said perforations (C1) are used as a unit page size, and

said perforations (C1) are used to separate a printing region of the unit page size.

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As to claim 11, Nakabayashi appears to teach the limitation that the position (C1) at which the dimension in the widthwise direction of said printing medium having a fixed width is the center in the widthwise direction.

As to claim 12, Nakabayashi appears to teach the limitation that the printing medium comprises four perforation lines (D1, D2) in symmetrical positions with respect the center (C1) in the widthwise direction of said medium.

As to claim 9, Nakabayashi appears to disclose (with reference to the application program 12h described in paragraphs [0036] to [0039] the claimed storage medium storing a program module for allowing a computer to execute a printing control program for performing printing on a printing medium (S1), the module comprising (see paragraphs [0063] to [0086] with reference to Figs. 15-34):

a determination module for determining whether to perform printing by dividing a printing region in the widthwise direction of a printing medium having a fixed width; and

a printing control module for, when printing is to be performed by dividing the printing region in the widthwise direction of the printing medium in accordance with the determination by said determination module, controlling printing for consecutive pages by making printing information of the consecutive pages to correspond to the printing regions divided in the widthwise direction of the printing medium.

Although the print control apparatus, print control method, storage medium for storing the control program, and the print medium disclosed in the preferred embodiment of Nakabayashi are for use in an inkjet printer (see paragraph [0035] of the translation), it would

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have been obvious to one of ordinary skill in the art to apply the teaching to a heat transfer printing medium for use in a heat transfer printer so that division printing can be performed. It is well settled that patents are relevant as prior art for all that they contain. See MPEP 2123 citing *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983)

Allowable Subject Matter

4. Claims 2, 3, 6, 7 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claim 13 is allowable for the inclusion of the limitation relating to the blank portion and its function.

As to claims 2, 3, 6, and 7 prior art of record do not appear to teach or suggest the page counting function of the print control means or the identifying means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on W-F from 6:30 to 5; T are telework days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huan H. Tran
Primary Examiner
Art Unit 2861

hht
12/01/05